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May 23, 2012

Honorable Stephen L. Crocker
U.S. District Court, Western District of Wisconsin
120 North Henry Street
Madison, Wisconsin 53703

Re: Berndt vs. Cleary Building Corp.
Civil Action No. 11-cv-791-wmc

Dear Magistrate Crocker:

I am one of the attorneys who represent the Plaintiff and putative class members in the above-referenced matter. I am writing to you, with approval of counsel for the Defendant, to request a status conference to discuss the case schedule and to update the Court on related matters.

The present case is a hybrid class and collective wage and hour action. The Plaintiff's First Amended Complaint makes class allegations on behalf of two groups of employees, foremen and crew members. Dkt. 31. Plaintiff has moved to conditionally certify both a foreman and a crew member class under 29 U.S.C. § 216(b). The parties have fully briefed this issue and are awaiting a determination from the Court.

Defendant's motion to decertify any conditionally certified 29 U.S.C. § 216(b) classes and Plaintiff's motion to certify Fed. R. Civ. P. Rule 23 classes are due on July 13, 2012. Both parties anticipate that they will need to conduct discovery related to these motions if conditional certification of Plaintiff's 29 U.S.C. § 216(b) classes is granted.

Given this, the parties would like the opportunity to address with the Court whether the current scheduling order may need to be amended given what appears may be a short timeframe between the Court's pending order on conditional class certification and these July 13, 2012 deadlines.

On a different, but related note, the parties are also working to potentially resolve one of the classes entirely. Based on certain facts that came to light during the conditional certification briefing, the parties have been working collaboratively to investigate whether the class of foremen employees may have been properly paid.

For all these reasons, the parties respectfully request a status conference with the Court to address scheduling matters.

Very Truly Yours,



William E. Parsons

